IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

Crl.Rev.Pet.No. 282 of 1998()

CRA.77/1992 of I ADDL. SESSIONS COURT, KOLLAM
CC.63/1992 of JUDICIAL 1ST CLASS MAGISTRATE, PARAVOOR
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REVN. PETITIONER: APPELLANT/ ACCUSED

R.KAVIRAJAN, CHARUVILA,
KOONAYIL CHERRY,
PARAVOOR, KOLL DISTRICT.

BY ADV. SRI.M.N.SUKUMARAN NAYAR(SR.)

RESPONDENTS: RESPONDENT/ COMPLAINANT & STATE
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1. N.DIVAKARAN,
FOOD INSPECTOR, PARAVOOR PANCHAYATH,
KOLLAM DISTRICT.

2. STATE OF KERALA, REP.BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 04/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.R.P.No.282 of 1998

Dated this the 4th day of July, 2007

O R D E R

The revision petitioner is the complainant in C.C.No.63/92 in the file of the JFCM, Paravoor who stands convicted for the offence under Sections 2(1)(a) and 7(1) read with Section 16(1)a(i) of the Food Adulteration Act and sentenced to undergo simple imprisonment for six months and to pay a fine of Rs.1,000/- and in default, to undergo simple imprisonment for two months.

2. The prosecution case is that on 3.12.1986 at about mid noon, the Food Inspector purchased 375 gms. of coconut oil from the grocery shop of the accused and the same was found to have been adulterated. The finding is that it contained larger quantity of iodine.

3. The counsel has only sought for modification of the sentence and has pleaded for leniency as the incident has taken place in the year 1986 and more than two decades have elapsed since the commencement of the proceedings. It appears that the case was subsequently renumbered (it is reported that the trial

court records have been destroyed and the same are not available). It is submitted that the accused/revision petitioner is right now 85 years of age.

4. In the circumstances, the conviction is confirmed and sentence is modified to imprisonment till the rising of the court and to pay a fine of Rs.5,000/- and in default, to undergo simple imprisonment for two weeks. The revision petitioner shall appear before the Judicial First Class Magistrate Court, Paravoor on 16.8.2007 to receive the sentence.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl